

110TH CONGRESS  
1ST SESSION

# H. RES. 681

To express the sense of the House of Representatives regarding the Medicare national coverage determination on the treatment of anemia in cancer patients.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. COHEN submitted the following resolution; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## RESOLUTION

To express the sense of the House of Representatives regarding the Medicare national coverage determination on the treatment of anemia in cancer patients.

Whereas the Centers for Medicare and Medicaid Services issued a final Medicare National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions (CAG-000383N) on July 30, 2007;

Whereas 52 United States Senators and 235 Members of the House of Representatives, representing bipartisan majorities in both chambers, have written to the Centers for Medicare and Medicaid Services expressing significant

concerns with the proposed National Coverage Determination on the Use of Erythropoiesis Stimulating Agents in Cancer and Related Neoplastic Conditions, issued on May 14, 2007, regarding the use of erythropoiesis stimulating agent therapy for Medicare cancer patients;

Whereas although some improvements have been incorporated into such final National Coverage Determination, the policy continues to raise significant concerns among physicians and patients about the potential impact on the treatment of cancer patients in the United States;

Whereas the American Society of Clinical Oncology, the national organization representing physicians who treat patients with cancer, is specifically concerned about a provision in such final National Coverage Determination that restricts coverage whenever a patient's hemoglobin goes above 10 g/dL;

Whereas the American Society of Clinical Oncology has written to the Centers for Medicare and Medicaid Services to note that such a “restriction is inconsistent with both the FDA-approved labeling and national guidelines”, to express deep concerns about such final National Coverage Determination, and to urge that the Centers for Medicare and Medicaid Services reconsider such restriction; and

Whereas such restriction could increase blood transfusions and severely compromise the high quality of cancer care delivered by physicians in United States: Now, therefore, be it

1       *Resolved*, That it is the sense of the House of Rep-  
2   resentatives that—

1           (1) the Centers for Medicare and Medicaid  
2       Services should begin an immediate reconsideration  
3       of the final National Coverage Determination on the  
4       Use of Erythropoiesis Stimulating Agents in Cancer  
5       and Related Neoplastic Conditions (CAG–000383N);

6           (2) the Centers for Medicare and Medicaid  
7       Services should consult with members of the clinical  
8       oncology community to determine appropriate revisions  
9       to such final National Coverage Determination;  
10      and

11          (3) the Centers for Medicare and Medicaid  
12      Services should implement appropriate revisions to  
13      such final National Coverage Determination as soon  
14      as feasible and provide a briefing to Congress in advance  
15      of announcing such changes.

○